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Attorney for  
*James Dippel Construction Inc.*

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**In re:**

**PG&E CORPORATION,**

**&**

**PACIFIC GAS AND ELECTRIC  
COMPANY,**

**Debtors.**

Case No. 19-30088  
Chapter 11  
(Lead Case)

**MOTION TO ALLOW LATE FILING OF  
PROOF OF CLAIM; DECLARATION OF  
JAMES DIPPEL CONSTRUCTION INC.**

Date: October 28, 2020  
Time: 10:00 a.m.  
Place: United States Bankruptcy Court

Courtroom 17, 16th Floor  
San Francisco, CA 94102

1 TO THE HONORABLE DENNIS MONTALI, UNITED STATES BANKRUPTCY COURT  
2 JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED  
3 PARTIES:

4 James Dippel Construction Inc. respectfully files this motion to allow late filing of  
5 proof of claim ("Motion") against the Chapter 11 Bankruptcy of PG&E Corporation and Pacific  
6 Gas and Electric Company. In support of the Motion, the Creditor respectfully represents as  
7 follows:

8  
9 **1. Summary of Argument**

10 A creditor that was not scheduled and did not receive notice of a claims bar date may file a  
11 claim and have it deemed timely. In this case, James Dippel Construction Inc. was neither  
12 scheduled nor received notice of the bar date set in PG&E & Pacific Gas and Electric  
13 Company's bankruptcy. The Creditor has been diligently pursuing all rights and should not be  
14 barred from filing a timely claim against PG&E and Pacific and Gas Electric Company's  
15 bankruptcy.

16 **2. Factual Background**

17 **A. The PG&E and Pacific Gas and Electric Company Chapter 11 Case**

18 On ("Petition Date"), PG&E and Pacific Gas and Electric Company filed a voluntary  
19 petition under Chapter 11 of Title 11 of the United States Code ("Bankruptcy Case"). See  
20 Court's PACER Docket for Case No. 19-30088 as of June 19, 2020.

21 **3. Legal Argument**

22 **A. Creditors were not given notice of the Claims Bar Date**

23 In a Chapter 11 case, the time to file a proof of claim may be extended under certain  
24 circumstances. Fed. R. Bank. Pro. 3003(c)(3). The bankruptcy court has "broad equitable  
25 powers" in a Chapter 11 case with respect to the timing requirement for proofs of claim.  
26 *Pioneer Inventory Services v. Brunswick Associates Limited Partnership*, 507 U.S. 380, 389  
27 (1993). Even a creditor that did in fact receive notice may file a proof of claim notwithstanding  
28 the expiration of a claims bar date in a Chapter 11 case upon a showing of "excusable neglect."

1 *Id.* at 394-95 (“Had respondents here been prevented from complying with the bar date by an  
2 act of God or some other circumstance beyond their control, the Bankruptcy Court plainly  
3 would have been permitted to find ‘excusable neglect’ [under FRBP 9006].”). In considering  
4 whether a creditor’s failure was the product of “excusable neglect,” the court should take  
5 “account of all relevant circumstances surrounding the party’s omission,” including “the danger  
6 of prejudice to the debtor, the length of the delay and its potential impact on judicial  
7 proceedings, the reason for the delay, including whether it was within the reasonable control of  
8 the movant, and whether the movant acted in good faith.” *Id.* at 395.

9 “[D]ue process demands that a creditor in a Chapter 11 case receive reasonable notice  
10 of a claims bar date before it is effective against the creditor.” *Monster Content, LLC v.*  
11 *Homes.com, Inc.*, 331 B.R. 438, 442 (N.D. Cal. 2005). Indeed, the Ninth Circuit has held that  
12 “the creditor who is not given notice, even if he has actual knowledge of the reorganization  
13 proceedings, does not have a duty to investigate and inject himself into the proceedings.” *In re*  
14 *Maya*, 78 F.3d 1395, 1399 (9th Cir.1996). A late-filed proof of claim is allowable where a  
15 creditor had actual notice of the bankruptcy but, due to some external reason, failed to file a  
16 proof of claim or did not realize that she had to, before the bar date. *See, e.g., ZiLOG, Inc. v.*  
17 *Corning (In re ZiLOG, Inc.)*, 450 F.3d 996, 1003-07 (9th Cir. 2006) (applying the *Pioneer*  
18 factors).

19 In this case, the Court should grant the Motion and allow the Trustee to file a timely-  
20 claim based on the lack of notice and the fact that leading up to the claim’s deadline, James  
21 Dippel was consumed with taking care of himself and his wife from the devastation caused by  
22 the Camp Fire. (Dec. of J. Dippel, ¶¶ 6, 9.) James was a successful construction contractor and  
23 instead of continuing to operate at the benefit of the community, he spent his time trying to  
24 recover from the horrific impact on their lives caused by the Camp Fire. (Dec. of J. Dippel, ¶¶  
25 5, 6, 9.)

26 James Dippel could not find suitable housing in the area for him and his wife after the  
27 Camp Fire significantly damaged his home so he decided his best option was to move to San  
28 Francisco to live in his son’s apartment. (Dec. of J. Dippel, ¶¶ 9.) James attempted to

1 commute between San Francisco and the Chico area, but found it too difficult to drive this  
2 distance consistently (Dec. of J. Dippel, ¶¶ 9.) He was also unable to find consistent housing in  
3 the area that would allow him to stay in Chico near any potential construction sites and he was  
4 unable to continue to operate as a construction contractor. (Dec. of J. Dippel, ¶¶ 5, 9.)

5 Mr. Dippel was overwhelmed by the stress of the fire and found it extremely difficult to  
6 navigate the complexity of his insurance claim. (Dec. of J. Dippel, ¶¶ 6.) The task of  
7 completing his insurance claim, along with arranging the repair of his home could take up to 80  
8 hours in a single week (Dec. of J. Dippel, ¶¶ 6). James found this process so difficult that he  
9 hired a private insurance adjuster to help him complete his claim. (Dec. of J. Dippel, ¶¶ 8.)

10 To further complicate his situation, Mr. Dippel's home was broken into and looted  
11 shortly after the Camp Fire (Dec. of J. Dippel, ¶¶ 7.) The Sheriff investigated the brake in as a  
12 burglary and investigated evidence taken from the crime scene. (Dec. of J. Dippel, ¶¶ 7.) Not  
13 only did this place more stress on James, but it further delayed his rebuild efforts.

14 During this turbulent time, Mr. Dippel did not receive notice from PG&E and Pacific  
15 and Gas Electric Company that the claims deadline was rapidly approaching, and by the time  
16 he was able to come up for air, the claims deadline had passed. (Dec. of J. Dippel, ¶ 4.)

17 Considering the fact that Mr. Dippel did not receive notice and was trying to keep his  
18 family's life going, while processing the significant emotional impact of the fire, a finding of  
19 excusable neglect should be permitted, and the Court should grant the motion.

#### 20 **4. Conclusion**

21 For the reasons set forth above, the Creditor requests that (1) the Court enter an order  
22 allowing the Creditor to file a claim against PG&E and Pacific Gas and Electric Company's  
23 Chapter 11 Bankruptcy and have the proof of claim be deemed timely; and (2) for such other  
24 and further relief as the Court deems just and proper under the circumstances of this case.

25 Dated: October 2, 2020

26  
27 By: /s/ Kristine K. Meredith  
28 KRISTINE K. MEREDITH  
Attorney for Creditor  
James Dippel Construction, Inc.

### Declaration of James Dippel

I, James Dippel, say and declare as follows:

1. I am an individual over 18 years of age and competent to make this Declaration.
2. I make this Declaration in support of this motion to allow late filing of proof of claim ("Motion"), filed by myself against the Chapter 11 Bankruptcy of PG&E and Pacific Gas and Electric Company.
3. I am informed and believe that facts set forth in this Declaration are true of my personal knowledge, and if called upon to do so I could and would competently testify to these facts.
4. I did not receive a letter in the mail from PG&E and Pacific and Gas Electric Company stating I only had 21 days left to file a proof of claim.
5. I am the owner, CEO, and CFO of James Dippel Construction Inc. as a result of the Camp Fire, I was not able to operate my business.
6. Following the fire, I was spending up to 80 hours a week trying to reach a settlement with my insurance company, arranging repair of my property, and meeting with adjusters, sub-contractors, repairmen and cleaning companies.
7. My house was broken into and looted in the aftermath of the fire. The Sheriff investigated the break in.
8. As a result of the complexity of my insurance claim, I hired a private insurance adjuster.
9. My wife and I spent significant time replacing necessary items lost in the fire, relocating to San Francisco, and traveling between Paradise and San Francisco.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 29, 2020.

DocuSigned by:  
  
AFEDB5EB74AD42B

JAMES DIPPEL

# **EXHIBIT A**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)

In re:  
PG&E CORPORATION,  
- and -  
PACIFIC GAS AND ELECTRIC  
COMPANY,  
Debtors.

Bankruptcy Case  
No. 19-30088 (DM)

Chapter 11  
(Lead Case)  
(Jointly Administered)

## Proof of Claim (Fire Claim Related)

Read the instructions before filing this claim form. This form is for tort claimants who have a claim against the Debtors (i.e. PG&E Corporation and Pacific Gas and Electric Company) that arose prior to the Debtors filing for bankruptcy (i.e. prior to January 29, 2019) and that arose from, or relates to, a fire.

Do not use this form for non-fire claims. Non-fire tort claimants should use Form 410.

Do NOT file a fraudulent claim. A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Please type or print in the spaces below. Do NOT use red ink or pencil.

### Part 1: Identify the Claim

1. Who is the current creditor?	James Dippel Construction Inc. Name of the current creditor (the person or entity to be paid for this claim)	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Are you filing this claim on behalf of your family? A family is a group of two or more people related by birth, marriage, domestic partnership, or adoption and residing together. All such people are considered as members of one family.	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If you checked "Yes", please provide the full name of each family member that you are filing on behalf of: _____ _____ _____ _____	
4. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? Name <u>Corey, Luzaich, de Ghetaldi &amp; Riddle LLP</u> Attorney Name (if applicable) <u>Amanda L. Riddle</u> Attorney Bar Number (if applicable) <u>215221</u> Street Address <u>700 El Camino Real</u> City <u>Millbrae</u> State <u>CA</u> Zip Code <u>94030</u> Phone Number <u>(650) 871-5666</u> Email Address <u>contact@nocalfirelawyers.com</u>	Where should payments to the creditor be sent? (if different) Name _____ Attorney Name (if applicable) _____ Attorney Bar Number (if applicable) _____ Street Address _____ City _____ State _____ Zip Code _____ Phone Number _____ Email Address _____
5. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
6. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

**Part 2: Give Information About the Claim as of the Date this Claim Form is Filed**

7. What fire is the basis of your claim? Check all that apply.	<input checked="" type="checkbox"/> Camp Fire (2018) <input type="checkbox"/> North Bay Fires (2017) <input type="checkbox"/> Ghost Ship Fire (2016) <input type="checkbox"/> Butte Fire (2015) <input type="checkbox"/> Other (please provide date and brief description of fire: _____)
8. What are the loss location(s) where you and/or your family suffered harm? (e.g. home or business address, place of injury, place from which you were evacuated, if different.)	Location(s): 13667 Bader Mine Road, Paradise CA 95969
9. How were you and/or your family harmed? Check all that apply	<input checked="" type="checkbox"/> Property Damage (homes, structures, personal property, land, trees, landscaping, and all other property damage) <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Renter <input checked="" type="checkbox"/> Occupant <input type="checkbox"/> Other (Please specify): _____ <input type="checkbox"/> Personal Injury <input type="checkbox"/> Wrongful Death (if checked, please provide the name of the deceased) _____ <input checked="" type="checkbox"/> Business Loss/Interruption <input checked="" type="checkbox"/> Lost wages and earning capacity <input type="checkbox"/> Loss of community and essential services <input type="checkbox"/> Agricultural loss <input type="checkbox"/> Other (Please specify): _____
10. What damages are you and/or your family claiming/seeking? Check all that apply	<input checked="" type="checkbox"/> Economic damages (including replacement cost of damaged property, diminution in value, loss of use, lost inventory, lost profits, and other economic damage) <input type="checkbox"/> Non-economic damages (including loss of society and support, loss of consortium, pain and suffering, emotional distress, annoyance and discomfort, and other non-economic damage) <input checked="" type="checkbox"/> Punitive, exemplary, and statutory damages <input checked="" type="checkbox"/> Attorney's fees and litigation costs <input checked="" type="checkbox"/> Interest <input checked="" type="checkbox"/> Any and all other damages recoverable under California law <input type="checkbox"/> Other (Please specify): _____
11. How much is the claim?	<input type="checkbox"/> \$ _____ (optional) <input checked="" type="checkbox"/> Unknown / To be determined at a later date



**Part 3: Sign Below**

The person completing this proof of claim must sign and date it, FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.  
☒ I am the creditor's attorney or authorized agent.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Signature: Amanda L. Riddle  
Amanda L. Riddle (Sep 30, 2020 14:49 PDT)

Email: contact@norcalfirelawyers.com

\_\_\_\_\_  
Signature

Print the name of the person who is completing and signing this claim:

Name	<u>Amanda L. Riddle</u>		
	First name	Middle name	Last name
Title	<u>Partner</u>		
Company	<u>Corey, Luzaich, de Ghetaldi &amp; Riddle LLP</u>		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	<u>700 El Camino Real</u>		
	Number	Street	
	<u>Millbrae</u>	<u>CA</u>	<u>94030</u>
	City	State	ZIP Code
Contact phone	<u>(650) 871-5666</u>	Email	<u>contact@norcalfirelawyers.com</u>

**Attach Supporting Documentation** (limited to a single PDF attachment that is less than 5 megabytes in size and under 100 pages):

☐ I have supporting documentation.  
(attach below)

☒ I do not have supporting documentation.

**PLEASE REVIEW YOUR PROOF OF CLAIM AND SUPPORTING DOCUMENTS AND REDACT ACCORDINGLY PRIOR TO UPLOADING THEM. PROOFS OF CLAIM AND ATTACHMENTS ARE PUBLIC DOCUMENTS THAT WILL BE AVAILABLE FOR ANYONE TO VIEW ONLINE.**

**IMPORTANT NOTE REGARDING REDACTING YOUR PROOF OF CLAIM AND SUPPORTING DOCUMENTATION** When you submit a proof of claim and any supporting documentation you must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. The responsibility for redacting personal data identifiers (as defined in Federal Rule of Bankruptcy Procedure 9037) rests solely with the party submitting the documentation and their counsel. Prime Clerk and the Clerk of the Court will not review any document for redaction or compliance with this Rule and you hereby release and agree to hold harmless Prime Clerk and the Clerk of the Court from the disclosure of any personal data identifiers included in your submission. In the event Prime Clerk or the Clerk of the Court discover that personal identifier data or information concerning a minor individual has been included in a pleading, Prime Clerk and the Clerk of the Court are authorized, in their sole discretion, to redact all such information from the text of the filing and make an entry indicating the correction.

# Instructions for Proof of Claim (Fire Claim Related)

United States Bankruptcy Court

You may have a claim against the Debtors for monetary loss, personal injury (including death), or other asserted damages arising out of or related to a fire. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the chapter 11 process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.

## How to fill out this form

- **Fill in all of the information about the claim as of the date this claim form is filed.**
- **If the claim has been acquired from someone else, then state the identity of the last party** who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
- **For a minor child, fill in only the child's initials and the full name of the child's parent or guardian.** For example, write *A.B., a minor child (John Doe, parent)*. See Bankruptcy Rule 9037.
- **You may but are not required to attach supporting documents to this form.** Supporting documents will be gathered, maintained, and provided at a later date as instructed by the Court. If you do attach documents, you should attach redacted documents as supporting documentation will be made publicly available and will not be kept confidential. See the definition of *redaction* of information below.
- **Do not attach original documents because attachments may be destroyed after scanning.**
- **Question 3.** Members of a family may but are not required to file a proof of claim as a family but may, if they choose, submit individual claim forms for each family member that has a claim against the debtors.

- **Question 9.** If you suffered property damage, then provide the street address of each real property parcel where you suffered property damage. If you were personally evacuated as the result of a fire, then provide the address or intersection closest to where you encountered the fire and began evacuation. If you suffered property damage and were evacuated from a different location, include both. If you were a renter, provide the address of your residence.
- **Question 10.** This question requests general statements of underlying facts relating to harm and is not intended to be exhaustive or preclusive.
- **Question 11.** You are not required to include a claim amount with your proof of claim. Providing a claim amount at this time is optional.

## Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, enclose a stamped self-addressed envelope and a copy of this form together with the original. You may view a list of filed claims in this case by visiting the Claims and Noticing Agent's website at <https://restructuring.primeclerk.com/pge>.

## Understand the terms used in this form

**Claim:** A creditor's right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. §101 (5). A claim may be secured or unsecured.

**Creditor:** A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. § 101 (10).

**Debtor:** A person, corporation, or other entity who is in bankruptcy. In this instance, PG&E Corporation and Pacific Gas & Electric Company.

**Information that is entitled to privacy:** A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

**Proof of claim:** A form that shows the creditor has a claim against the debtors on or before the date of the bankruptcy filing (in these cases, January 29, 2019). The form must be filed in the district where the case is pending.

**Redaction of information:** Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

## Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

## Please send completed Proof(s) of Claim to:

### If by first class mail:

PG&E Corporation Claims Processing Center  
c/o Prime Clerk LLC  
Grand Central Station, PO Box 4850  
New York, NY 10163-4850

### If by overnight courier or hand delivery:

PG&E Corporation Claims Processing Center  
c/o Prime Clerk LLC  
850 Third Avenue, Suite 412  
Brooklyn, NY 11232

**You may also hand deliver your completed Proof(s) of Claim to any of the following service center offices (beginning July 15, 2019 through the Bar Date (October 21, 2019) during the hours of 8:30 a.m. – 5:00 p.m. Prevailing Pacific Time):**

Chico Service Center  
350 Salem Street  
Chico, CA 95928

Marysville Service Center  
231 "D" Street  
Marysville, CA 95901

Napa Service Center  
1850 Soscol Ave. Ste 105  
Napa, CA 94559

Oroville Service Center  
1567 Huntoon Street  
Oroville, CA 95965

Redding Service Center  
3600 Meadow View Road  
Redding, CA 96002

Santa Rosa Service Center  
111 Stony Circle  
Santa Rosa, CA 95401

**Photocopy machines will not be available at the Claim Service Centers; you must bring a photocopy of your Proof of Claim if you wish to receive a date-stamped copy.**

**Do not file these instructions with your form**

# Electronic Proof of Claim\_KQOWA27402[[CSLT#4025#CF]]


Final Audit Report


2020-09-30


Created:	2020-09-30
By:	Prime Clerk E-Filing (efiling@primeclerk.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAACUQ9OwA6KeVw1d2aQtP7ZnWJmpl6PIXi

## "Electronic Proof of Claim\_KQOWA27402[[CSLT#4025#CF]]" History

 Web Form created by Prime Clerk E-Filing (efiling@primeclerk.com)  
2020-09-30 - 9:39:36 PM GMT

 Web Form filled in by Amanda L. Riddle (contact@norcalfirelawyers.com)  
2020-09-30 - 9:49:22 PM GMT- IP address: 12.207.19.90

 (User email address provided through API User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/85.0.4183.121 Safari/537.36)  
2020-09-30 - 9:49:24 PM GMT- IP address: 12.207.19.90

 Agreement completed.  
2020-09-30 - 9:49:24 PM GMT